

*Paragraph 5000 Class D Airspace.*

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#### ANE ME D Hyannis, MA [Amended]

Cape Cod Gateway Airport, MA  
(Lat. 41°40'10" N, long. 70°16'49" W)

That airspace extending upward from the surface to and including 2,600 feet MSL within a 4.2-mile radius of Cape Cod Gateway Airport. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Air Missions. The effective date and time will thereafter be continuously published in the Chart Supplement.

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Issued in College Park, Georgia, on May 2, 2023

**Lisa E. Burrows,**

*Manager, Airspace & Procedures Team North,  
Eastern Service Center, Air Traffic  
Organization.*

[FR Doc. 2023–09672 Filed 5–5–23; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA–2023–0090; Airspace  
Docket No. 23–AEA–03]

RIN 2120–AA66

#### Amendment of Class D and Class E Airspace, and Establishment of Class E Airspace, Poughkeepsie, NY

**AGENCY:** Federal Aviation  
Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This action amends Class D airspace and Class E surface airspace and establishes Class E airspace designated as an extension to a Class D surface area for Hudson Valley Regional Airport, Poughkeepsie, NY.

**DATES:** Effective 0901 UTC, August 10, 2023. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order JO 7400.11 and publication of conforming amendments.

**ADDRESSES:** A copy of the Notice of Proposed Rulemaking (NPRM), all comments received, this final rule, and all background material may be viewed online at [www.regulations.gov](http://www.regulations.gov) using the FAA Docket number. Electronic retrieval help and guidelines are available on the website. It is available 24 hours a day, 365 days a year.

FAA Order JO 7400.11G, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at [www.faa.gov/air\\_traffic/](http://www.faa.gov/air_traffic/)

*publications/*. You may also contact the Rules and Regulations Group, Office of Policy, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783.

**FOR FURTHER INFORMATION CONTACT:** John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, 1701 Columbia Avenue, College Park, GA 30337; Telephone: (404) 305–6364.

#### SUPPLEMENTARY INFORMATION:

##### Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority, as it amends Class D airspace and Class E surface airspace and establishes Class E airspace designated as an extension to a Class D surface area for Hudson Valley Regional Airport, Poughkeepsie, NY, to support IFR operations in the area.

##### History

The FAA published a notice of proposed rulemaking for Docket No. FAA 2023–0090 in the **Federal Register** (88 FR 14514; March 9, 2023), proposing to amend Class D and Class E surface airspace, as well as proposing to establish Class E airspace designated as an extension to a Class D surface area at Hudson Valley Regional Airport, Poughkeepsie, NY. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

##### Incorporation by Reference

Class D and Class E airspace designations are published in Paragraphs 5000, 6002, and 6004 of FAA Order JO 7400.11, Airspace Designations and Reporting Points, which is incorporated by reference in 14 CFR 71.1 on an annual basis. This document amends the current version of that order, FAA Order JO 7400.11G, Airspace Designations and Reporting Points, dated August 19, 2022, and effective September 15, 2022. FAA Order JO 7400.11G is publicly available

as listed in the **ADDRESSES** section of this document. These amendments will be published in the next update to FAA Order JO 7400.11.

FAA Order JO 7400.11G lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

##### The Rule

This action amends 14 CFR part 71 by amending Class D airspace and Class E surface airspace by increasing the radius to 4.4 miles (previously 4.0 miles). Also, this action establishes Class E airspace designated as an extension to a Class D surface area of 6.5 miles to the northeast and the southwest of Hudson Valley Regional Airport. An airspace evaluation determined this update is necessary for the safety and management of instrument flight rules (IFR) operations in the area.

##### Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

##### Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, “Environmental Impacts: Policies and Procedures,” paragraph 5–6.5a.

This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances warrant the preparation of an environmental assessment.

##### Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

##### The Amendment

In consideration of the foregoing, the Federal Aviation Administration

proposes to amend 14 CFR part 71 as follows:

**PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS**

■ 1. The authority citation for part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

**§ 71.1 [Amended]**

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order JO 7400.11G, Airspace Designations and Reporting Points, dated August 19, 2022, and effective September 15, 2022, is amended as follows:

*Paragraph 5000 Class D Airspace.*

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**AEA NY D Poughkeepsie, NY [Amended]**

Hudson Valley Regional Airport, NY  
(Lat. 41°37'36" N, long. 73°53'03" W)

That airspace extending upward from the surface to and including 2,700 feet MSL within a 4.4-mile radius of Hudson Valley Regional Airport. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Air Missions. The effective date and time will thereafter be continuously published in the Chart Supplement.

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*Paragraph 6002 Class E Surface Airspace.*

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**AEA NY E2 Poughkeepsie, NY [Amended]**

Hudson Valley Regional Airport, NY  
(Lat. 41°37'36" N, long. 73°53'03" W)

That airspace extending upward from the surface within a 4.4-mile radius of Hudson Valley Regional Airport. This Class E airspace is effective during the specific dates and times established in advance by a Notice to Air Missions. The effective date and time will thereafter be continuously published in the Chart Supplement.

*Paragraph 6004 Class E Airspace Is Designated as an Extension to Class D or Class E Surface Area.*

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**AEA NY E4 Poughkeepsie, NY [Established]**

Hudson Valley Regional Airport, NY  
(Lat. 41°37'36" N, long. 73°53'03" W)

That airspace extending upward from the surface within 1.8-miles each side of the 051° bearing of Hudson Valley Regional Airport, extending from the 4.4-mile radius to 6.5 miles northeast of the airport, and within 1.0-miles each side of the 231° bearing of the

airport, extending from the 4.4-mile radius to 6.5-miles southwest of the airport.

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Issued in College Park, Georgia, on May 2, 2023.

**Lisa E. Burrows,**

*Manager, Airspace & Procedures Team North, Eastern Service Center, Air Traffic Organization.*

[FR Doc. 2023–09669 Filed 5–5–23; 8:45 am]

**BILLING CODE 4910–13–P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

**[EPA–R09–OAR–2022–0926; FRL–10482–02–R9]**

**Clean Air Plans; 2015 8-Hour Ozone Nonattainment Area Requirements; Clean Fuels or Advanced Control Technology for Boilers; San Joaquin Valley and Los Angeles—South Coast Air Basin, California**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is taking final action to approve revisions to the California State Implementation Plan (SIP) concerning the provisions for clean fuels or advanced control technology for boilers for the 2015 ozone national ambient air quality standards (“2015 ozone NAAQS”) in the San Joaquin Valley and Los Angeles—South Coast Air Basin, California (“South Coast”) ozone nonattainment areas. The SIP revisions include the “Certification that the San Joaquin Valley Unified Air Pollution Control District’s Current Rules Address the Clean Air Act’s Clean Fuels for Boilers Requirements for the 2015 8-hour Ozone Standard” for San Joaquin Valley (“2021 San Joaquin Valley Certification”) and the “Clean Fuels for Boilers Compliance Demonstration for the South Coast Air Basin” for South Coast (“2021 South Coast Certification”), both submitted on August 3, 2021. We are approving these revisions under the Clean Air Act (CAA or “the Act”), which establishes clean fuels or advanced control technology for boilers requirements for “Extreme” ozone nonattainment areas.

**DATES:** This rule is effective June 7, 2023.

**ADDRESSES:** The EPA has established a docket for this action under Docket ID No. EPA–R09–OAR–2022–0926. All documents in the docket are listed on the <https://www.regulations.gov> website. Although listed in the index, some information is not publicly available, e.g., confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through <https://www.regulations.gov>, or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information. If you need assistance in a language other than English or if you are a person with a disability who needs a reasonable accommodation at no cost to you, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

**FOR FURTHER INFORMATION CONTACT:**

Khoi Nguyen, EPA Region IX, 75 Hawthorne Street, San Francisco, CA 94105. By phone: (415) 947–4120 or by email at [nguyen.khoi@epa.gov](mailto:nguyen.khoi@epa.gov).

**SUPPLEMENTARY INFORMATION:**

Throughout this document, “we,” “us,” and “our” refer to the EPA.

**Table of Contents**

- I. Proposed Action
- II. Public Comments and EPA Responses
- III. EPA Action
- IV. Statutory and Executive Order Reviews

**I. Proposed Action**

On January 30, 2023, the EPA proposed to approve as a revision to the California SIP the provisions in the San Joaquin Valley and South Coast for clean fuels or advanced control technology for boilers as meeting the requirements of CAA section 182(e)(3) and 40 CFR 51.1302.<sup>1</sup> Our proposed approval was based on our evaluation of the 2021 San Joaquin Valley Certification and the 2021 South Coast Certification. In our proposed rulemaking, we provided background information on the 2015 ozone standards, area designations in California, and related clean fuels for boilers SIP revision requirements. Table 1 of this document lists the certifications addressed by our proposed action.

<sup>1</sup> 88 FR 5835 (January 30, 2023).